

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

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|--------------------------------------------|---|--------------------------------|
| Muhammad Al-Mujahidin, # 103968, |) | Civil Action No. 9:15-1978-BHH |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER AND OPINION |
| |) | |
| J. F. Franklin, J. Young, Leroy Cartledge, |) | |
| and Brian Sterling, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Plaintiff Muhammad A.-Mujahidin ("Plaintiff"), proceeding *pro se*, brought this action pursuant to Title 42, United States Code, Section 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial handling and a Report and Recommendation ("Report").

This matter is before the Court on Defendant's motion for summary judgment (ECF No. 49). On May 31, 2016, Magistrate Judge Marchant issued a Report recommending that Defendant's motion for summary judgment (ECF No. 49) be granted, and this case be dismissed. (ECF No. 61.)¹ The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. (ECF No. 61 at 10.) Plaintiff filed no objections and the time for doing so expired on June 17, 2016.

¹ A previous Report was filed in this case on February 11, 2016 (ECF No. 52) which recommended that this action be dismissed for lack of prosecution. However, Plaintiff filed a late motion for an extension of time to file a response to Defendant's motion for summary judgement (ECF No. 54), which was granted. The Report (ECF No. 52) was not adopted, and the case was referred back to the Magistrate Judge.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference. Defendant’s motion for summary judgment (ECF No. 49) is GRANTED, and this action is DISMISSED with prejudice.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

June 23, 2016
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.